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C O N F I D E N T I A L SECTION 01 OF 03 JERUSALEM 000028

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WILLIAMS/SHAMPAINE/STEINGER; NSC FOR ABRAMS/DORAN/WATERS;
TREASURY FOR SZUBIN/LOEFFLER/NUGENT/HIRSON; BRUSSELS FOR
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TAGS: [ECON](#) [EFIN](#) [PGOV](#) [KWBG](#) [IS](#)
SUBJECT: COORDINATION AND EVALUATION COMMITTEE REVIEWS
RECENT VIOLATIONS OF RAFAH PROTOCOL

REF: A. JERUSALEM 5060
[1](#)B. JERUSALEM 5030

Classified By: Consul General Jake Walles, Reasons 1.4 (b) and (d).

This cable was cleared by Embassy Tel Aviv and the U.S.
Security Coordinator.

[1](#)1. (C) Summary: The Coordination and Evaluation Committee (CEC) met in an "extraordinary" session January 3 to discuss Prime Minister Haniyah's irregular passage by vehicle through Rafah crossing on December 28 and the after-hours processing of Gaza-bound bus passengers in the absence of EU-BAM monitors later that same day. Chief PLO Negotiator Sa'eb Erekat acknowledged that pre-notifications required for Haniyah's passage by car had not been provided according to the protocol but complained -- without challenge from either the Israeli or EU-BAM representatives -- that conflicting messages from the Israelis and Egyptians on whether Rafah would be open had contributed to the mishandling of the situation. Erekat advised that the Palestinians and Egyptians have agreed on procedures for handling Haniyah's return January 4 and noted that the GOE assured him that Haniyah will not be permitted to transit Rafah crossing with large sums of cash. Both Palestinian and Israeli delegation heads declined to address an EU-BAM effort to secure a formal agreement on how senior members of the Hamas-led PA should be processed through Rafah in the future, preferring to focus on the logistics of Haniyah's imminent return and ways to improve communication with the Egyptians. End Summary.

Protocol Breached

[1](#)2. (C) EU-BAM Head of Mission LTG Pietro Pistolese began the January 3 "extraordinary" meeting of the CEC by reading passages from the Rafah protocol on VIP travel and then described in detail the two December 28 incidents that had breached the established procedures. As summarized by Pistolese:

-- Stranded Bus Passengers: By 1730 hours, December 28, Rafah was closed, both terminals were cleared of passengers, and the EU-BAM monitoring shift departed. Between 1730 and 1800 the Palestinians processed 45 passengers against the advice of EU-BAM. (Note: These passengers may have emerged from buses stuck in the corridor between the two sides of the crossing. End Note.) At 1822 hours, an Egyptian Liaison Officer informed EU-BAM that Palestinian passengers had

forced entry into the terminal on the Gaza side of Rafah. Three buses that had been allowed into the Philadelphi corridor by the Egyptians elected to proceed to the closed terminal and drop off their passengers. The Egyptians estimate that between 150-160 travelers disembarked. Declining to comply with EU-BAM and Israeli Liaison Officer requests to return the people to Egypt, Palestinian officials processed the travelers.

-- Haniyah's Exit: According to EU-BAM, on December 28 at 1145 hours PM Haniyah's delegation (total of 14 persons including Minister of Interior Said Siyam, Foreign Minister Mamoud al-Zahar and PLC member Ahmed Bahr) arrived at the Rafah crossing in four vehicles (three Mercedes and one jeep). Two passengers jumped out of the vehicles on the Palestinian side with the documents for all the passengers. After a wait of about 45 seconds, all the vehicles crossed to the Egyptian side. The vehicles' drivers returned the empty cars to the Palestinian side about 30-45 minutes after they had crossed. EU-BAM noted that the PA had not complied with pre-notification procedures: The liaison office had not been informed that Haniyah and his delegation wished to transit the crossing by air and the list of passengers had not been provided in advance.

Communication/Coordination Problems

13. (C) Chief PLO Negotiator Sa'eb Erekat acknowledged that pre-notifications required for Haniyah's passage by car had not been provided to the liaison office. He stated that he had contacted Israeli delegation MOD Senior Policy Advisor Haggai Alon December 27 to advise him that Haniyah wished to cross into Egypt the next day and would be transported

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through Rafah crossing in vehicles provided by Abu Mazen's office. Erekat said he suggested to Alon that it would be better for the GOI to facilitate this trip rather than be perceived as impeding Hajj pilgrims. He asserted that Alon had called back later to advise that the crossing would be closed December 28. Abu Mazen later informed Erekat that the Egyptians had told him Rafah would be open, which later proved to be the case. Erekat said the conflicting messages from the Israelis and Egyptians over Rafah's status had undermined Palestinian efforts to coordinate Haniyah's passage. He urged CEC members to treat each other as "full partners" and exert greater effort in communicating information and coordinating crossing-related activities. (Note: Although the Rafah protocol extends certain courtesies to senior PA officials, the Israeli position, according to EU-BAM's Chief of Operations Patrick Delval (ref. A) is that, by refusing to recognize Israel, senior members of the Hamas-led PA should not be granted any special privileges. Delval suggested that, even if the liaison center had received the required pre-notification, therefore, the Israeli liaison officer would still have objected to Haniyah's passage through the terminal by car. End Note.)

Humanitarian Concerns

14. (C) In reference to the processing of the bus passengers after the terminal had closed, Erekat stated that it was difficult to ignore the plight of the people stranded between the Egyptian and Palestinian gates. He described the mishap as involving a total of four buses: two prevented from entering Egypt because the Palestinian side had declined to accept two other buses carrying Gaza-bound passengers already processed on the Egyptian side. Eventually four buses were stranded in the corridor with no certainty that Rafah would be open the following day. The Palestinians decided to allow the buses into Gaza. Erekat provided the Israeli delegation what he described as a complete list of all the passengers involved. He added that he would "urge our Egyptian colleagues" not to repeat the actions that led to the

passengers being stuck. Israeli delegation head Alon agreed that humanitarian concerns need to be addressed on both sides of the crossing. He asserted that the GOI had improved the situation in the past month and had achieved "almost full normalization." He suggested that the bus passengers should have been returned to Egypt because "it was a known fact" that Rafah would be opened the following day. (Note: EU-BAM later noted that Rafah has been closed 82.6 percent of the time since June 25, 2006. It was open for only six days in December 2006. End Note.) Erekat replied that normalization of crossing operations remains an elusive goal and, until it is realized, travelers will continue to take desperate measures. Erekat noted that "international standards," a term used in the agreement and protocol for Rafah Crossing, could include some standard for ensuring that travelers are treated humanely.

15. (C) The Palestinians and Israelis declined to engage on a Pistolese proposal to establish new or amended procedures to avoid such an incident, including measures to ensure that travelers are not allowed into the terminal so late in the day that they cannot be processed by the other terminal's designated closing time. Both parties and EU-BAM welcomed the suggestion that a specific time be set after which additional buses will not be allowed to enter the corridor, thus allowing sufficient time to process travelers prior to closure. (Note: Pistolese told Emboff later that he will try to make some procedural modifications within his own authority. End Note) They did agree, however, on the need for better coordination with the Egyptians to ensure that each side is aware of passengers still being processed late in the day.

Haniyah's Return

16. (C) Erekat explained that Palestinians and Egyptians had recently agreed on procedures for facilitating the return of Haniyah and his delegation to Gaza on January 4. Erekat stated that a Saudi private jet carrying Haniyah and his party would touch down at al Arish at 1100 hours on January 14. PA General Administration of Crossings and Borders head Nazmi Muhanna will be at al Arish for the arrival, will

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gather all their documents for advance processing at Rafah, and will also be present when the delegation transits Rafah crossing about an hour later. Erekat said that Egyptian officials have agreed to check the luggage of Haniyah and his party at al Arish to ensure that the PM is not attempting to transfer large amounts of cash into Gaza. Only personal items and customary Hajj gifts will be permitted. Erekat said that he had been assured by the GOE that Haniyah would not be allowed to bring large sums of cash through Rafah. Erekat further advised that four cars belonging to President Abbas would be sent to the Egyptian terminal to pick up Haniyah and his delegation. He promised to provide the EU-BAM by the afternoon of January 3 the description and plate numbers for these vehicles and the ID numbers for the drivers. He said he would also provide the names of all members of Haniyah's delegation. Alon indicated that he had no objection to what was being proposed for handling Haniyah's return but could not reply formally until later in the day after consultations with senior GOI officials. (Note: Haniyah transited Rafah January 4 without incident. End Note.) Erekat also shared with participants a copy of a letter he had provided to COGAT General Mishlev listing the arrival times of Hajj flights landing at El Arish airport in Egypt (four flights a day for four days, January 4-8, each carrying 200 people).

Touchy Subject Deferred

17. (C) EU-BAM Head Pistolese asked that the Palestinian and Israeli delegations formally agree to procedures for the

transit of senior PA officials through Rafah. Erekat gently declined, suggesting that the Israelis may have some reservations about this and he did not want to "poke them in the eye" on this subject. It should be handled "in a quiet way." Alon replied by expressing appreciation for Erekat's "sensitivity of the situation" and agreed to defer the issue.

Egypt/Presidential Guard Roles

18. (C) EU-BAM, the Israelis and the Palestinians agreed that communication and coordination needed to be improved. A motion was approved, subject to GOI confirmation, to establish a position for a Presidential Guard representative in the liaison center at Kerem Shalom. In addition, the Committee discussed adding an Egyptian representative at the liaison office. This issue was deferred to a meeting of the Security Working Group scheduled for January 10, where Egypt will be represented. (Note: Two accompanying EU-BAM shift commanders acknowledged the merits of having a full-time EU-BAM presence at the Egyptian terminal. End Note.)

19. (C) Alon also repeated a request (ref. B) on the status of a new GOE policy for cash transfers into Gaza. The Consul General replied that the USG has had extensive contacts with the GOE on the subject and it is our understanding that Egyptians do not intend to allow large sums of cash through the Rafah crossing. He also noted that details of arrangements made for Haniyah's return would be immediately shared with Washington and Embassy Cairo.

WALLES